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1.

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION NO. 3164 /2005

PETITIONER

Dr. L.K. Thethwar, aged
about 65 years, son of
Late Shri Gangadhar T.
Thethwar, Retired
Principal, Government
College, Kota, R/o. near
Joratalab, Sarkanda,
Distt. Bilaspur (C.G.)

P.R. No. 3282/2005
Presented by Shri. Vipin Shukla
dated 13/2/05

VERSUS

RESPONDENTS

1. Gurughasidas University,
through - Its Registrar,
Gurughasidas University,
Koni, Distt. Bilaspur
(C.G.)
2. Registrar, Gurughasi Das
University, Koni,
Bilaspur (Chhattisgarh)

WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA,

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3164 of 2005

Petitioner

Dr. L.K. Thethwar

Versus

Respondents

Gurughasidas University & another

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Present: Shri Sameer Behar, Advocate for the petitioner.
Shri Neeraj Choubey, Advocate for the respondents.

ORDER

(Passed on 8th Day of January, 2007)

The following order of the Court was passed by Satish K. Agnihotri, J.

1. Learned counsel appearing for the petitioner submits that the petitioner was employed as Principal in the Government College, Kota, District-Bilaspur affiliated with respondents-University. The petitioner was appointed as Supervisor/Co-supervisor also to guide research scholars. The petitioner, on attaining the age of superannuation, retired from the service on 1.10.2003.
2. Learned counsel appearing for the respondents-University on the basis of the return of the respondents submits that before retirement of the petitioner the respondents-University had permitted the petitioner to guide 6 research scholars in their research work. Those 6 research scholars are as under:-
 1. Ku. Reena Rajabhoj,
 2. Shri Shailesh Sharma,
 3. Shri Harishankar Dewangan,

4. Shri Nand Kumar Tripathi,
5. Shri Anil Kumar Bavaria, and
6. Smt. Sangita Gupta.

Two of them have already submitted Ph.D. thesis for award of Ph.D., remaining four are still continuing under guidance of the petitioner.

2. It appears that the petitioner after his retirement, requested the respondent No. 2 for permitting him to enroll some more persons as research scholars to guide them. Respondent No. 2, vide order dated 17.9.2004 (Annexure P-1), rejected the application filed by the petitioner on 26.8.2004 on the ground that no new persons can be permitted for enrollment after his retirement and 4 research scholars, who were enrolled during his service would be permitted to continue their research work under the guidance of the petitioner to complete their research work.
3. The petitioner has impugned the said order dated 17.9.2004 (Annexure P-1) on the ground that there is no bar to guide the research scholars after retirement. The Ordinance (Annexure P-2), dealing with Ph.D. Degree provides for recommendation for appointment of Supervisor/Co-supervisor to guide the research scholars. Clause 7(a)(i) of the Ordinance clearly provides that the person recommended as Supervisor/Co-supervisor to guide the Research Scholar must be a Professor/Reader in the a University Teaching Department/School of Studies or a College affiliated to the University possessing either Doctorate degree or has published five research papers in Standard Research Journals, or a teacher of a University Teaching Department/School of Studies/Colleges affiliated to the University who has obtained a Doctorate degree in the subject and has

published atleast five Research papers in standard Research Journals and has atleast five years teaching experience after Ph.D. Clause 7 (a)(iii)(c) of the Ordinance clearly provides that a recognized supervisor who fails to publish any research paper over a duration of five years shall not be eligible to enroll any new candidate under his supervision. provided that the persons who have been recognized as Supervisors/Co-supervisors shall be eligible to supervise even after their superannuation.

4. On reading clause 7 of the Ordinance, it is clear that a Supervisor/Co-supervisor has to be working Professor/Reader/Teacher/Scientist etc. No other person, who has retired on superannuation, can be recommended/appointed as Supervisor/Co-supervisor. The petitioner has been permitted to guide 4 research scholars during his service time. They would be permitted to continue their research work under the guidance of the petitioner. The impugned order dated 17.9.2004 (Annexure P-1) is just and proper, and it does not warrant any interference.
5. Thus, this writ petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge